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Wednesday, July 26, 2017

VIA ECF

The Honorable Gerald J. Pappert

RE: Curry v. United Parcel Service, Inc., et al.
U.S. District Court – Eastern District of Pennsylvania
No.: 17-2331

Your Honor:

Kindly accept this letter notice of recent supplemental authority in support of plaintiff's Motion to Remand:

On July 25, 2017, the Second Circuit Court of Appeals in Figueroa v. Commissioner Helen D. Foster (No. 16-1856) held that the duty of fair representation under the National Labor Relations Act ("NLRA") does not preempt a claim of discrimination filed by a union member against a labor organization when the labor organization is acting in its capacity as a collective bargaining representative. To wit, the Second Circuit held the NLRA's duty of fair representation does not preempt either on the basis of field nor conflict preemption. (Citing Vaca, supra).

Thank you for this Honorable Court's consideration of this supplemental recent authority. Of course, if Your Honor requires anything further, plaintiff and his undersigned counsel will abide this Court's directive.

Sincerely,

/s/ Matthew B. Weisberg
MATTHEW B. WEISBERG

MBW/hcm

Cc: Gary M. Tocci, Esq.
Molly Quinn Campell, Esq.
Lisa Leshinski, Esq.
Neal Goldstein, Esq.
(Via ECF)